

Ayesha R. Mehdi, Esq.
Nevada Bar No. 13917
SPENCER FANE LLP
300 S. Fourth Street, Suite 950
Las Vegas, Nevada 89101
Telephone: 702.408.3400
Facsimile: 702.938.8648
Email: amehdi@spencerfane.com
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JIMMY COLSON, an individual;

Plaintiff,

v.

BULOW HOLDINGS, LLC, a Delaware
limited liability company; and, OSSUR
AMERICAS, INC., a California corporation;

Defendants.

CASE NO.: 2:22-cv-1950-APG-BNW

**JOINT STATUS REPORT AND
STIPULATION AND ORDER TO
CONTINUE STAY OF ALL
PROCEEDINGS**

(THIRD REQUEST)¹

Pursuant to the Court's prior Order to Continue Stay All Proceedings [ECF No. 15] dated March 24, 2023, which directed the parties to submit a joint status report by June 30, 2023, Plaintiff Jimmy Colson ("Plaintiff") and Defendants Bulow Holdings, LLC and Ossur Americas, Inc. ("Defendants") (collectively the "Parties"), by and through their undersigned counsel, hereby state the following:

PROCEDURAL BACKGROUND

1. On October 20, 2022, Plaintiff commenced this action in the Eighth Judicial District Court for Clark County, Nevada against Defendants.

2. On November 18, 2022, Defendants removed the action to this Court.

3. On November 28, 2022, the Parties filed a Stipulation and [Proposed] Order

¹ The Parties previously submitted a Second Joint Status Report and Stipulation and Proposed Order to Continue Stay of All Proceedings [ECF Nos. 13 and 14], which was adopted by the Court in its Order to Continue Stay of All Proceedings [ECF No. 15] on March 27, 2023. This is the third request to continue the stay of these proceedings pending the outcome of the Parties' continuing mediation.

1 Extending Time for Defendants to File and Serve Their Answer or Other Response to the
2 Complaint [ECF No. 5], which was adopted and granted by the Court in its subsequent Order [ECF
3 No. 6] of November 29, 2022.

4 4. On December 8, 2022, the Parties submitted a Stipulation and [Proposed] Order to
5 Stay All Proceedings [ECF No. 8] pending the scheduling and outcome of a planned mediation
6 between the Parties.

7 5. On December 9, 2022, the Court adopted the stipulation and issued its Order to
8 Stay All Proceedings [ECF No. 9]. In its Order, the Court further directed that the Parties submit
9 a joint status report within 60 days of the entry of the Order.

10 6. On February 7, 2023, the Parties submitted a Joint Status Report and Stipulation
11 and Proposed Order to Continue Stay of All Proceedings [ECF Nos. 10 and 11] based on the
12 parties' mediation, which was scheduled for March 2, 2023. The Court adopted the stipulation
13 and order in its Order to Continue Stay of All Proceedings [ECF No. 12] on February 8, 2023,
14 which further directed that the parties submit a joint status report by March 31, 2023.

15 7. On March 24, 2023, the Parties submitted a Second Joint Status Report and
16 Stipulation and Proposed Order to Continue Stay of All Proceedings [ECF Nos. 13 and 14] based
17 on the parties' possible continued mediation. The Court adopted the stipulation and order in its
18 Order to Continue Stay of All Proceedings [ECF No. 15] on March 27, 2023, which further
19 directed that the parties submit a joint status report by June 30, 2023.

20 **STATUS OF PENDING MEDIATION**

21 Since the staying of these proceedings, the Parties attended a mediation on March 2, 2023
22 at JAMS in Las Vegas before the Honorable Phillip M. Pro (Ret.). During the mediation
23 conference, it was determined by the Parties and Judge Pro that the negotiations would benefit
24 from the informal exchange between the Parties of additional underlying documents. In light of
25 this determination, the parties and Judge Pro agreed to adjourn the mediation pending an exchange
26 of additional documents.

27 The above-referenced exchange of documents is currently underway. In order to further
28 facilitate the orderly exchange of materials, the Parties entered into a framework by which they

1 have agreed to exchange materials and complete their review of those materials by the middle of
 2 May 2023. After the initial exchange of materials, the Parties had a call with the mediator on June
 3 13, 2023, during which Plaintiff requested additional materials to review. The Parties are currently
 4 working on the exchange of these additional materials. Following the completion of this exchange
 5 and review period, the Parties have further agreed that they will then be able to elect to proceed
 6 with further alternative dispute resolution (ADR), or litigation.

7 In light of the above, the Parties respectfully wish to continue the stay of these proceedings
 8 pending the completion of the above-described exchange and ADR effort. The Parties are
 9 cooperating with one another and wish to preserve judicial resources and focus their own resources
 10 towards the potential resolution of their dispute.

11 **STIPULATION**

12 IT IS HEREBY STIPULATED AND AGREED, by the parties, through undersigned
 13 counsel, pursuant to LR IA 6-1, 6-2, and LR 7-1, and subject to the approval of the Court, that:

- 14 1. All proceedings remain stayed, including responses to the complaint, discovery,
 15 motion practice, and case management conferences, pending further order of the Court; and
- 16 2. The Parties shall file a joint status report by Friday September 29, 2023.

17 **IT IS SO AGREED AND STIPULATED**

18 Dated this 30th day of June 2023

19 SPENCER FANE LLP

20 By: /s/ Ayesha Mehdi
 21 Ayesha Mehdi, Esq.
 22 300 S. 4th Street, Suite 950
 23 Las Vegas, NV 89101
 24 Tel. (702) 408-3400
 25 Email: amehdi@spencerfane.com
 26 *Attorneys for Plaintiff*

HOLLY DRIGGS

By: /s/ Adam Pernsteiner
 F. Thomas Edwards, Esq.
 Adam J. Pernsteiner, Esq.
 300 South Fourth Street, Suite 1600
 Las Vegas, NV 89101
 Email: tedwards@nevadafirm.com
 Email: apernsteiner@nevadafirm.com
Attorneys for Defendants Bulow Holdings, LLC and Ossur Americas, Inc.

27 **IT IS SO ORDERED:**

28 
 ANDREW P. GORDON
 UNITED STATES DISTRICT JUDGE

DATED: July 5, 2023